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Date: *24 July 2003* Name: *MARK D. GIARRATANA* Signature: *[Signature]*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Edward L. Carver

Serial No.: 09/039,789

Filed: March 16, 1998

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)
) Group Art Unit: 1743
)
) Examiner: A. Soderquist
)
) Docket No. 116310.0030

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RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.116

Sir:

In response to the final Office Action, please enter and consider the following remarks:

REMARKS

Claims 27-30, 32-35, and 38-45 are currently pending. Claims 27-30, 32-35, and 38-45 stand rejected under 35 U.S.C. § 112, first paragraph. More specifically, the Examiner asserts that "in the broadest interpretation of the claims, a single lysing agent is used to make all of the mixtures. The specification fails to teach that a single lysing agent can lyse all types of blood by changing the blood to lysing agent volume ratio. While a single lysing agent can be used for one or more of the samples, to lyse the blood from all of the species requires the presence of at least